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IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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11 GARY JOHN BATTAGLIA,

No. CV 13-01626 CRB

12 Plaintiff,

**ORDER DENYING APPLICATION
TO PROCEED IN FORMA PAUPERIS
ON APPEAL**

13 v.

14 FEDERAL BUREAU OF INVESTIGATION
15 ET AL.,

16 Defendants. /

17 The Ninth Circuit has referred this case to this Court “for the limited purpose of
18 determining whether in forma pauperis status should continue for this appeal or whether the
19 appeal is frivolous or taken in bad faith. See 28 U.S.C. § 1915(a)(3); see also *Hooker v.*
20 *American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002).” The Court dismissed this case on
21 April 18, 2013, holding that Plaintiff’s allegations were “‘fanciful,’ ‘fantastic,’ ‘delusional,’
22 and ‘wholly incredible,’ and therefore subject to dismissal as frivolous under 28 U.S.C.
23 § 1915(e)(2)(B)(i). See generally Order (dkt. 5). In the Court’s view, that holding is not
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1 reasonably subject to dispute. Accordingly, the Court finds that the appeal is frivolous. In
2 forma pauperis should be revoked. See 28 U.S.C. § 1915(a)(3).

3 **IT IS SO ORDERED.**

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5 Dated: May 8, 2013
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CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE